

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                              |   |                    |
|------------------------------|---|--------------------|
| DALE HARPER,                 | ) |                    |
|                              | ) |                    |
| Plaintiff,                   | ) |                    |
| vs.                          | ) | NO. CIV-14-0563-HE |
|                              | ) |                    |
| OKLAHOMA DEPARTMENT OF       | ) |                    |
| CORRECTIONS DIRECTOR, ROBERT | ) |                    |
| PATTON, <i>et al.</i> ,      | ) |                    |
|                              | ) |                    |
| Defendants.                  | ) |                    |

**ORDER**

Plaintiff Dale Harper, a state prisoner appearing *pro se*, filed this § 1983 action, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. He has recommended that the action be dismissed without prejudice pursuant to Fed.R.Civ.P. 4(m), due to plaintiff's failure to serve defendants within the time limits prescribed by the federal rule.

Plaintiff, having failed to object to the Report and Recommendation, waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). The court also agrees with the well-reasoned analysis of the magistrate judge.

Accordingly, the court adopts Magistrate Judge Jones's Report and Recommendation. This action is dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 30th day of December, 2015.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE